

AMENDED IN SENATE JUNE 22, 2006

AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2930

Introduced by Assembly Member Laird

February 24, 2006

An act to amend ~~Section~~ *Sections 31402.1 and 11005* of the Government Code, and to amend Section 31402.2 of the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 2930, as amended, Laird. Coastal resources: property dedications: conservation and open-space easements.

Existing law requires that, unless the Legislature specifically provides that approval is not required, every gift or dedication to the state of personal property, or every gift to the state of real property in fee or in a lesser estate or interest, be approved by the Director of Finance, and every contract for the acquisition or hiring of real property in fee or in a lesser estate or interest, entered into by or on behalf of the state, be approved by the Director of General Services. However, existing law exempts from those requirements, among other things, the acceptance by the State Coastal Conservancy of offers to dedicate public accessways made pursuant to specified provisions of the California Coastal Act of 1976.

This bill would additionally exempt from those requirements the acceptance by the conservancy of a conservation easement or an open-space easement made pursuant to the act.

Existing law requires that the conservancy accept an outstanding offer to dedicate a public accessway, as described, that has not been accepted by another public agency or nonprofit organization within 90 days of its expiration date.

This bill would also require the conservancy to accept an offer to dedicate a conservation easement, or an open-space easement that has not been accepted by another public agency or nonprofit organization within 90 days of the expiration date of the outstanding offer.

The bill would provide that a condition that is imposed on a permit issued pursuant to the act that requires the dedication of or the offer to dedicate a conservation easement or open-space easement shall require that the dedication document contain a provision that, to the satisfaction of the Office of the Attorney General, indemnifies the state against claims of liability if the state becomes the holder of the easement.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11005 of the Government Code is
- 2 amended to read:
- 3 11005. (a) Unless the Legislature specifically provides that
- 4 approval is not required, every gift or dedication to the state of
- 5 personal property, or every gift to the state of real property in fee
- 6 or in a lesser estate or interest, shall be approved by the Director
- 7 of Finance, and every contract for the acquisition or hiring of real
- 8 property in fee or in a lesser estate or interest, entered into by or
- 9 on behalf of the state, shall be approved by the Director of
- 10 General Services. A contract entered into in violation of this
- 11 section is void. This section applies to a state agency that, by
- 12 general or specific statute, is expressly or impliedly authorized to
- 13 enter into transactions referred to in this section.
- 14 (b) This section does not apply to the following:
- 15 (1) An unconditional gift of money.
- 16 (2) The acquisition or hiring by the Department of
- 17 Transportation of real property in fee or in any lesser estate or
- 18 interest for highway purposes, but does apply to the hiring by
- 19 that department of office space in any office building.

1 (3) A contract entered into under the authority of Chapter 4
2 (commencing with Section 11770) of Part 3 of Division 2 of the
3 Insurance Code.

4 (4) The receipt of donated, unencumbered personal property
5 from private sources received in conjunction with the
6 administration of the Federal Surplus Personal Property Program
7 by the Department of General Services.

8 (5) The receipt of gifts of personal property in the form of
9 interpretive or historical objects, each valued at fifteen thousand
10 dollars (\$15,000) or less, by the Department of Parks and
11 Recreation.

12 (6) The acceptance by the State Coastal Conservancy of an
13 offer to dedicate a public accessway, conservation easement, or
14 open-space easement made pursuant to Division 20 (commencing
15 with Section 30000) of the Public Resources Code.

16 *SEC. 2. Section 31402.1 of the Public Resources Code is*
17 *amended to read:*

18 31402.1. (a) It is the intent of the Legislature to provide for
19 timely acceptance of offers to dedicate interests in property,
20 recorded pursuant to Division 20 (commencing with Section
21 30000) and needed to *preserve open space or conservation areas*
22 *or to provide public access to and along the ocean shoreline.*

23 (b) The Legislature finds and declares all of the following:

24 (1) In order to prevent the potential loss of *open space,*
25 *conservation areas, or* public accessways to and along the state's
26 coastline, it is in the best interest of the state to accept all offers
27 to dedicate real property that protect open space *or conservation*
28 *areas* or have the potential to provide access to public tidelands,
29 including any beach, shoreline, or view area, or that provide a
30 connection to other easements or public properties providing this
31 access.

32 (2) Offers to dedicate interests in property that are required
33 and recorded pursuant to Division 20 (commencing with Section
34 30000) provide mitigation necessary for approved development
35 to occur consistent with the policies and objectives of that
36 division and are not gifts to the state or acquisitions of property
37 interests within the meaning of Section 31105.

38 ~~SEC. 2:~~

39 *SEC. 3. Section 31402.2 of the Public Resources Code is*
40 *amended to read:*

1 31402.2. (a) The conservancy shall accept an offer to
2 dedicate a *conservation easement, open-space easement, or*
3 *public accessway, described in Section 31402.1, or an offer to*
4 ~~dedicate a conservation easement or open-space easement,~~ that
5 has not been accepted by another public agency or nonprofit
6 organization within 90 days of the expiration date of the
7 outstanding offer.

8 (b) *A condition that is imposed on a permit issued pursuant to*
9 *Division 20 (commencing with Section 30000) that requires the*
10 *dedication of or the offer to dedicate a conservation easement or*
11 *open-space easement shall require that the dedication document*
12 *contain a provision that, to the satisfaction of the Office of the*
13 *Attorney General, indemnifies the state against claims of liability*
14 *if the state becomes the holder of the easement.*